

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1/5/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR05-00279SOM

CASE NAME: USA v. Ross Y. Nishida

ATTYS FOR PLA: Lawrence Tong

ATTYS FOR DEFT: Peter Wolff, Jr.

PROBATION OFFICER: Neil Tsukayama

JUDGE: Susan Oki Mollway

REPORTER: ESR, LG

Aha Kanawai, Tape #1
and Tape #2

DATE: 1/5/2006

TIME: 3:20-4:10pm

COURT ACTION: EP: Sentencing to Count 1 of the Indictment - defendant present, not in custody.

Allocution by the defendant

ADJUDGED:

Imprisonment: 21 Months

Supervised Release: 3 Years

No Fine imposed

Special Assessment: \$100

CONDITIONS:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
8. That the defendant shall register with the state sex offender registration agency in the state where the defendant resides, works or is a student, as directed by the probation officer.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office (include this condition if a computer was involved in the commission of the offense). Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. The defendant may change his residence only with the advance approval of the Probation Office.
11. The defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office.
12. The defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or victims, except in the presence of a adult who is aware of the nature of the defendant's offense and who has been approved by

the Probation office.

13. The defendant shall not view, purchase, possess or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(8), unless approved for treatment purposes, or intentionally frequent any place where such material is the primary product for sale or entertainment.
14. The defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) Federal Detention Center, Honolulu, Hawaii; 2) Mental Health treatment.

Mittimus is stayed until 2/15/06. Defendant to self surrender @ 10:00 a.m. 2/15/06 at the facility designated by the BOP. The time is the time at the facility.

Defendant to remain out on bail with the same conditions to apply

Submitted by: Shari Afuso, Courtroom Manager